

Part 20

Automatic License Plate Reader System Act

41-6a-2001 Title.

This part is known as the "Automatic License Plate Reader System Act."

Enacted by Chapter 447, 2013 General Session

41-6a-2002 Definitions.

As used in this section:

- (1) "Automatic license plate reader system" means a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert an image of a license plate into computer-readable data.
- (2) "Captured plate data" means the global positioning system coordinates, date and time, photograph, license plate number, and any other data captured by or derived from an automatic license plate reader system.
- (3)
 - (a) "Governmental entity" means:
 - (i) executive department agencies of the state;
 - (ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney general, and the state treasurer;
 - (iii) the Board of Pardons and Parole;
 - (iv) the Board of Examiners;
 - (v) the National Guard;
 - (vi) the Career Service Review Office;
 - (vii) the State Board of Education;
 - (viii) the State Board of Regents;
 - (ix) the State Archives;
 - (x) the Office of the Legislative Auditor General;
 - (xi) the Office of Legislative Fiscal Analyst;
 - (xii) the Office of Legislative Research and General Counsel;
 - (xiii) the Legislature;
 - (xiv) legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;
 - (xv) courts, the Judicial Council, the Office of the Court Administrator, and similar administrative units in the judicial branch;
 - (xvi) any state-funded institution of higher education or public education; or
 - (xvii) any political subdivision of the state.
 - (b) "Governmental entity" includes:
 - (i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsections (3)(a)(i) through (xvii) that is funded or established by the government to carry out the public's business; or
 - (ii) a person acting as an agent of a governmental entity or acting on behalf of a governmental entity.
- (4) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and not open to the public and entry is only obtainable through specific access-control points.

Amended by Chapter 276, 2014 General Session

41-6a-2003 Automatic license plate reader systems -- Restrictions.

- (1) Except as provided in Subsection (2), a governmental entity may not use an automatic license plate reader system.
- (2) An automatic license plate reader system may be used:
 - (a) by a law enforcement agency for the purpose of protecting public safety, conducting criminal investigations, or ensuring compliance with local, state, and federal laws;
 - (b) by a governmental parking enforcement entity for the purpose of enforcing state and local parking laws;
 - (c) by a parking enforcement entity for regulating the use of a parking facility;
 - (d) for the purpose of controlling access to a secured area;
 - (e) for the purpose of collecting an electronic toll;
 - (f) for the purpose of enforcing motor carrier laws; or
 - (g) by a public transit district for the purpose of assessing parking needs and conducting a travel pattern analysis.

Amended by Chapter 276, 2014 General Session

Amended by Chapter 377, 2014 General Session

41-6a-2004 Captured plate data -- Preservation and disclosure.

- (1) Captured plate data obtained for the purposes described in Section 41-6a-2003:
 - (a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, if the captured plate data is maintained by a governmental entity;
 - (b) may not be used or shared for any purpose other than the purposes described in Section 41-6a-2003;
 - (c) may not be preserved for more than nine months by a governmental entity except pursuant to:
 - (i) a preservation request under Section 41-6a-2005;
 - (ii) a disclosure order under Subsection 41-6a-2005(2); or
 - (iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and
 - (d) may only be disclosed:
 - (i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202;
 - (ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or
 - (iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.
- (2)
 - (a) A governmental entity that is authorized to use an automatic license plate reader system under this part may not sell captured plate data for any purpose.
 - (b) A governmental entity that is authorized to use an automatic license plate reader system under this part may not share captured plate data for a purpose not authorized under Subsection 41-6a-2003(2).
 - (c) Notwithstanding the provisions of this section, a governmental entity may preserve and disclose aggregate captured plate data for planning and statistical purposes if the information identifying a specific license plate is not preserved or disclosed.

Amended by Chapter 276, 2014 General Session

41-6a-2005 Preservation request.

- (1) A person or governmental entity using an automatic license plate reader system shall take all steps necessary to preserve captured plate data in its possession for 14 days after the date the data is captured pending the issuance of a court order requiring the disclosure of the captured plate data if a governmental entity or defendant in a criminal case requesting the captured plate data submits a written statement to the person or governmental entity using an automatic license plate reader system:
 - (a) requesting the person or governmental entity to preserve the captured plate data;
 - (b) identifying:
 - (i) the camera or cameras for which captured plate data shall be preserved;
 - (ii) the license plate for which captured plate data shall be preserved; or
 - (iii) the dates and time frames for which captured plate data shall be preserved; and
 - (c) notifying the person or governmental entity maintaining the captured plate data that the governmental entity or defendant in a criminal case is applying for a court order for disclosure of the captured plate data.
- (2)
 - (a) A governmental entity or defendant in a criminal case may apply for a court order for the disclosure of captured plate data.
 - (b) A court that is a court of competent jurisdiction shall issue a court order requiring the disclosure of captured plate data if the governmental entity or defendant in a criminal case offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing person investigation.
- (3) Captured plate data that is the subject of an application for a disclosure order under Subsection (2) may be destroyed at the later of:
 - (a) the date that an application for an order under Subsection (2) is denied and any appeal exhausted;
 - (b) the end of 14 days, if the person or governmental entity does not otherwise preserve the captured plate data; or
 - (c) the end of the period described in Subsection 41-6a-2004(1)(c).
- (4) A governmental entity may obtain, receive, or use privately held captured plate data only:
 - (a)
 - (i) pursuant to a warrant issued using the procedures described in the Utah Rules of Criminal Procedure or an equivalent federal warrant; or
 - (ii) using the procedure described in Subsection (2); and
 - (b) if the private automatic license plate reader system retains captured plate data for 30 days or fewer.

Amended by Chapter 276, 2014 General Session

41-6a-2006 Penalties.

A person who violates a provision under this part is guilty of a class B misdemeanor.

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